

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

FILED  
U.S. DIST. COURT  
BRUNSWICK DIV.

2005 MAY -4 A 8:24

CLERK *L. LaVictoire*  
SO. DIST. OF GA.

OLIN WOOTEN; OLIN WOOTEN  
TRANSPORT COMPANY, INC., and  
ATLANTIC COAST CARRIERS, INC.,

Plaintiffs,

v.

CIVIL ACTION NO.: CV203-100

ALTAMAHA BANK AND TRUST;  
AMANDA LETICIA VARNADORE;  
ADORNA L. POWELL, and  
KENNETH D. McLEOD,

Defendants.

KENNETH D. McLEOD,

Counter-Claimant,

v.

OLIN WOOTEN; OLIN WOOTEN  
TRANSPORT COMPANY, INC., and  
ATLANTIC COAST CARRIERS, INC.,

Counter Defendants.

**ORDER**

Plaintiffs filed a "Motion for Attorney's Fees" (Doc. No. 194), and Defendants Varnadore and Powell have filed a Response. Plaintiffs assert that they filed a Motion to Compel Discovery Upon Oral Deposition on September 13, 2004, as well as an Amended Motion to Compel Discovery on October 4, 2004. The undersigned granted these Motions by Order dated October 26, 2004. Plaintiffs contend that, as a result of having to file these

Motions, they incurred attorney's fees in the amount of \$7,518.50 and expenses in the amount of \$1,821.63. Plaintiffs assert that these fees and expenses were reasonable and necessary.

Plaintiffs are hereby awarded attorney's fees with regard to the following: 1) drafting the Motion to Compel and the brief in support thereof; 2) dictating a letter to John Morrison regarding a good faith effort to resolve the discovery dispute (4.1 hours at \$125.00 an hour); 3) preparing for and attending the December 20, 2004, hearing; and 4) travel related to counsel's trip to Brunswick, Georgia, from Macon, Georgia, and back to Macon, Georgia. (6.7 hours at \$175.00 an hour). Plaintiffs are also awarded expenses for hotel expenses and mileage (\$231.78). The Court is uncertain whether the other expenses Plaintiffs' counsel contend they incurred are the result of having to complete the aborted deposition of Defendant Powell or if these fees would have incurred irrespective of having filed the Motion to Compel. Accordingly, the Court is not inclined to award these additional expenses to Plaintiffs' counsel. Plaintiffs are entitled to receive, from Varnadore and Powell, \$1,916.78 in fees and expenses associated with the bringing of their Motion to Compel.

SO ORDERED, this 4<sup>th</sup> day of May, 2005.

  
JAMES E. GRAHAM  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
Southern District of Georgia

Case Number: 2:03-cv-00100  
Date Served: May 4, 2005  
Served By: Nita S. Rose

Attorneys Served:

O. Hale Almand Jr., Esq.  
Robert Abney Fricks, Esq.  
John E. Morrison, Esq.

\_\_\_ Copy placed in Minutes  
\_\_\_ Copy given to Judge  
\_\_\_ Copy given to Magistrate